

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

In re:	:	Chapter 11
Blackjewel, L.L.C., <i>et al.</i> ,	:	Case No. 19-30289
Debtors, ¹	:	(Jointly Administered)
	:	
BLACKJEWEL, L.L.C., et al.	:	Adv. Proc. No. 3:20-ap-03008
Plaintiffs,	:	(Consolidated Cases Adv. Proc. No. 3:20-ap-03012 & Adv. Proc. No. 3:20-ap-03015)
v.	:	
	:	
CLEARWATER INVESTMENT	:	
HOLDINGS, LLC, et al.,	:	
	:	
Defendants.	:	

JOINT MOTION TO STAY SUMMARY JUDGMENT BRIEFING DEADLINES

The Blackjewel Liquidation Trust (the “Trust”), as successor to the Debtors as Plaintiffs in the above-captioned consolidated actions, and Defendants Jeffery A. Hoops, Sr., Clearwater Investment Holdings, LLC, Lexington Coal Company, LLC, Lexington Coal Royalty Company, LLC, Triple H Real Estate, LLC, and Construction & Reclamation Services, LLC (“Defendants”) (together with the Trust, the “Parties”), by and through their respective counsel, jointly move the Court for an order staying indefinitely the summary judgment briefing deadlines set forth in its March 17, 2022 Order Regarding Consolidation and Scheduling [Doc. 103], as amended by the Court’s May 6, 2022 order [Doc. 109] (as amended, the “Order”), pending further motion or future order of the Court. Based on the progress of mediation to date, the Parties believe that further

¹ Debtors in these chapter 11 cases and the last four digits of each Debtor’s taxpayer identification number were as follows: Blackjewel, L.L.C. (0823); Blackjewel Holdings L.L.C. (4745); Revelation Energy Holdings, LLC (8795); Revelation Management Corporation (8908); Revelation Energy, LLC (4605); Dominion Coal Corporation (2957); Harold Keene Coal Co. LLC (6749); Vansant Coal Corporation (2785); Lone Mountain Processing, LLC (0457); Powell Mountain Energy, LLC (1024); and Cumberland River Coal LLC (2213). The Trust is the successor-in-interest to the Debtors as Plaintiffs for purposes of this action.

summary judgment briefing may be unnecessary and would be counterproductive to continued efforts to reach a final consensual resolution.

This joint motion is timely pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and is not made for any improper purpose. The requested extension would serve the interests of justice and would promote judicial economy by avoiding potentially unnecessary fees and effort while the Parties complete the process of the Court-ordered mediation. For the convenience of the Court, a proposed order granting this Motion is attached.

CONCLUSION

For the foregoing reasons, the Parties respectfully request that the Court modify its Order to extend the summary judgment briefing deadlines indefinitely pending further motion or future order of the Court.

Respectfully submitted,

DATED: May 26, 2022

SUPPLE LAW OFFICE, PLLC

Joe M. Supple, Bar. No. 8013
801 Viand St.
Point Pleasant, WV 25550
Telephone: 304.675.6249
Facsimile: 304.675.4372
joe.supple@supplelaw.net

– and –

SQUIRE PATTON BOGGS (US) LLP

/s/ Scott A. Kane
Stephen D. Lerner (admitted pro hac vice)
Scott A. Kane (admitted pro hac vice)
John A. Tancabel (admitted pro hac vice)
Jennifer L. Dollard-Smith (admitted pro hac vice)
201 E. Fourth Street, Suite 1900
Cincinnati, Ohio 45202

Telephone: 513.361.1200
Facsimile: 513.361.1201
stephen.lerner@squirepb.com
scott.kane@squirepb.com
john.tancabel@squirepb.com
jennifer.dollard-smith@squirepb.com

Co-Counsel to the Plaintiff

MCGUIREWOODS LLP

/s/ Frank Guadagnino
K. Elizabeth Sieg (admitted *pro hac vice*)
Gateway Plaza
800 East Canal Street
Richmond, Virginia 23219
Telephone: (804) 775-1000
E-mail: bsieg@mcguirewoods.com

Mark E. Freedlander (admitted *pro hac vice*)
Frank Guadagnino (admitted *pro hac vice*)
Tower Two-Sixty
260 Forbes Avenue, Suite 1800
Pittsburgh, Pennsylvania 15222
Telephone: (412) 667-6000
E-mail: mfreedlander@mcguirewoods.com

A. Wolfgang McGavran (admitted *pro hac vice*)
888 16th Street N.W., Suite 500
Black Lives Matter Plaza
Washington, D.C. 20006
Telephone: (202) 857-2471
E-mail: wmcgavran@mcguirewoods.com

Counsel for Defendants

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that the foregoing **“Joint Motion to Stay Summary Judgment Briefing Deadlines”** was filed and served upon counsel for Defendants via electronic mail this 26th day of May, 2022.

/s/ Scott A. Kane